

A  
JUSTIFICATION  
OF THE <sup>3</sup>  
Whole Proceedings  
Of Their Majesties  
King WILLIAM  
AND  
Queen MARY,

Of their Royal Highnesses  
Prince GEORGE and Princess ANN,  
OF THE  
Convention, Army, Ministers of State,  
and others, in this Great Revolution.

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By Authority.

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L O N D O N:

Printed for Randal Taylor, near Stationers-Hall. MDCLXXX

THE  
OF THE  
Whole Proceedings

OF THE  
King William

AND  
Queen



OF THE  
1801 and 1802  
and of the  
and of the  
and of the



*Democritus Exclamans :*

O R, A

# DIALOGUE

BETWEEN THE

MINER and COUNTERMINER.

*The Preamble.*

**T**Here's a time to laugh and a time to cry : Ye had *Heraclitus's* in abundance, as long as the folly and Roguery of Visions in the Air lasted ; while *Hatfield* Maids denounce Judgments, and the Lyons in the *Tower* utter'd Prophecies. For indeed, who besides Fools and Knaves, could forbear Laughing with *Heraclitus* in 81, and not weep with *Democritus* in 89. To see that some men should be decoyed to greater and more inevitable mischiefs by things of the same pith now, that were justly ridiculed then, and all for the difference of the dress. For let Spiritual Chandlers and Cheesemongers set off their young *Geneva* Wench, with her quondam baubles and trifles, 'twill never take again ; she has too lately given us a specimen of all the apes tricks and whimsys she could play. But the old Whore of *Rome*, that bottomless pit of Iniquity, with her politick Jesuits has Roguerys for all pallats. Whether the dull sower, scared with an Iron Whig, or the sharp neat delicate Tantivy. If Madam *Grimalkin*, in her Tower and Top-knot is not so very taking, why, you shall have her in a Peak and Bandore, she shall have less levity than a forsaken Sister, at a dearly departed Brothers Funeral : And yet she shall be a Cat still for all this, whatever you may think on't.

Shall that ungodly Varlet, that sate for *St. Dunstan* in the Pageant at my Lord Mayors Show, be ere the more *vere Reverendus* in his Mitre,

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than

than in his Fools Cap at *Bartholomew* ; does not a Sir *Formal* deserve as much to be laught at as a *Trappolin*.

Why, I'll tell you now your ungracious Players will make ye as very a Fool of an Alderman in his Furrs, nay, in his very Golden Chain, I'll besworn, he shall prate more like an Ass, than *T. T-n*, his Polemicks shall be as follyful as the penny Chronicles of *So.* And all this shall be done with gravity, Gentlemen, very much gravity, ye shall Laugh at gravity, ye shall Joke at gravity, nay ye shall kick gravity as one would kick the veriest dull Rogue with a formal countenance, whispering nothing, on non sense in your ear ; when a Bee there with a Sting in's tail a yard long, would not be so troublesome. For ye shall ever find that there are as many Changlings, Fools and Fairies bastards in black at a Coffee-House, as in party par fed and yellow at a Musick Booth.

The late King *Charles*, was Jested out of some slight slips of Government by *Killegrew* ; but those of a more dangerous consequence required the documents of a *Sandcroft*. Designing men have taken other measures and 'tho' we alter not the Standard which shall be truth still, yet may we take another way for application, another way to try and retell them.

To be ungrateful where rewards are due is no indifferent matter, especially when 'twill be, to our great affliction, if the party so injur'd should, as he may justly, withdraw his protection from us, and neglect our preservation. In short Gentlemen, 'tis base and highly ungenerous to distrust him whom you trusted to before ; is he of a nature desiring arbitrary way? Do you think he will bring in Popery, set up a Common-weal, or introduce Presbytery, the only things that can be feared from the want of men? And sure almost own with me, he has neither the nature, opportunity nor desire to effect such evils ; he's so far from being capable of acting 'em, that indeed none can bring the least pretence to uphold such an allegation : Has he not, without so much as the expence of our blood, trouble or disquiet, performed more for this Nation than we expected, at not so much as the expence of one farthing of our Goyn? Considering the heavy oppression of *Chimney-money*, which he has taken away, is not a Tax perhaps of five pounds, and that on a wealthy man too, better than paying one hundred pounds yearly, as several Landlords did on that Tax ; together with a deliverance from almost an insupportable Tyranny, just modelling after the *French* fashion? What is the meaning then of such a stingy, peevish Loyalty where it should be directed, and of such an abundance to him where it is in no wise due? For there is a difference between neighbourly Love and Loyalty, the latter of which might be born with, did they not rob one to give to other, thereby decreasing that which we have the greatest of obligations to increase ; and leaving his person to the most violent dangers, that hath so signally preserved us from 'em ; certainly these two sorts of Loyalty were calculated by

by contradictory and turbulent Spirits, being so placed that they do mischief either way. What will ye destroy him now ye have gotten him among ye? I wish you would render the very report as justly improbable to all that know your demeanour, as I am apt to think it is odious to your hearts; but it must be by a change of practices; for we can never think him to have no designs who apparently acts Villanies; whose results must unavoidably, if pursued, bring on an overture, we have of all others the most reason to shut the doors against.

I should be very glad to know the fore, that I might apply a Plaister, for I am apt to think that a Cataplasim of sound Reasons, may be a Sovereign Remedy to assuage the Tumours of a luxuriant fancy, provided the Will be not too predominant; perhaps, in this great turn of State, one thing amongst the many has not been done so pleasing to them (tho' much better for the Nation) than if they had done it after their own Whirligig, which is just like your puny Stomachs, that having receiv'd several good nourishing Means, do on the meer smatch of the next good, tho' Ingrateful bit, cast up all the rest, the fault being in the Pallar, which through weakness, cannot judge of taste. Therefore shall every single, sorry capacity, and that too byalst and infected with partiality, pretend to tell the King and his Counsellours, which is good and which bad, seeing too that what they have as yet found fault with are no real grievances, but on the contrary, the best, safest, and securest Methods.

'Tis very probable, that the greatest part of these men that put about these Doubts and Quibbles, have nor Plots nor Designs; that they are unwilling to abuse His Majesties goodness, that they would not unravel all again, and bring on a Civil War. But, alas! 'tis often seen, that men so weak as to raise such apprehensions to disturb a rightly ordered State, bring that upon themselves and it, which their dotish Capacities never expected; when we are in a right way, 'tis dangerous to step into another, though never so much persuaded, never so much urged by fear or curiosity. Scotland had like to have proved a sad Example of our unsta- bleness, and Ireland is now under dreadful circumstances from some men, who dare as well have starved on their own barren Soil, or have stifled themselves in their own Boggs, as have attempted such things, had we been whole here. 'Tis observable, that the Scotch Lords there, were not so hot nor resolute for the late King as those here; and what is the reason of this, but that the sight the knowledge of our own unhappy bickerings animate them to it, while we pale away a Kingdom, as some Addled Prodigals their Estates with Tennis-Balls, only forsooth, by bandying about our own fantastick and whimsical Prejudices. We are like so many Cokes's, every Vagabond that but tickles us in the ear with his Straw, shall make us draw our hands from the guard of our Coyn, thereby inviting others to pick our Pockets, who are provoked by the advantage, and for their

love to mischief, would think it a high Crime to deny the opportunity ; And 'tis a great provocation to besiege that Enemies City, whose Subjects, we know, will by little perswasions deliver it up.

Some of these Waspish Triflers may not be of the Juncto, nor have entered any Association to follow these defections ; yet to Cant about such fears and jealousies here is better than Money, there, do but Stamp 1000 of them in your Brain, and they will be more serviceable to the Popish Interest, in Ireland, than a Mint, and so many pounds of *Bulloin* ; such men are as very Hawks and Buzzards in their Religion as their Moralities, and if the Rebels should prevail, may come in for as many Masses as the Mayor of *Dublin*, and undoubtedly, deserve as much as he the punishments due to Traytrous, Murdrous, and Rebellious Heads ; for they tend to the same ends, they run to the same centre.

This is the Distemper of the Nation, these are the Wipers and Vermin that insensibly gnaw out the Bowels of their Mother ; and against these Miseries, these Self-mischiefs does *Democritus* exclaim, against the madness, folly, and perverseness of Mankind.

*Miner*. You forced the King to fly into a Foreign Land, and most unjustly declared that to be a forfeiture, or as the Votes have it, an Abdication, which the Fact will in no wise bear ; for if going out of the Realm, without consulting the Nation therewith, be *ipso facto*, an Abdication, did not his Brother, King *Charles II.* abdicate as much as he ?

*Counterminer*. Alas, Sir, the late King *JAMES* had abdicated long ere he went from *White-hall*, and the going to *France* was only an Overt Act, a further aggravation, a more perfect demonstration of his renouncing all Title whatsoever, to that which he had before lost and forfeited.

But whether through Ignorance or Design I know not, the common people are mistaken in the Sense of an abdication, all their constructions thereof are *mal a propo*, and the more letter'd suffer them to be entangled in the Bryars of their own Nonsense.

Abdication is always put in opposition, and is contrary to Adoption ; Abdication is almost the same thing as Disinheriting ; *abdicationem pro exheredatione posuit. Valer. lib. 5. cap. 7.* Yet differs thus, *fit abdicatio inter vivos : exheredatio mortis causa. Gaius in not. ad. d. l. 6.* Abdication is, as I may call it, *diversi vocal* ; 'tis as well a refusing, renouncing, resigning, and casting off, as a being put by, a putting ones self by, a refusing to accept of, or to continue in any Office, Place, Dignity, Injoyment, or Occupation of an Estate, which I have Hereditary, or by other Right, Title, Choice, or Nomination ; and therewith to have no more to do.

Again, *abdicare legem Plin.* is to Abrogate, Repeal, and make Void a Law ; a pronouncing that it has lost all force and power, to oblige any one whatsoever, to follow or obey it ; that their former obligations to



it, e're it became Inconvenient and Oppressive, are Cancelled. Or, in case there was any likelihood that it would bring Confusion on the Land, or that great mischiefs might be acted under the pretence of it, notwithstanding its fair Title and Countenance: Here, I say, are all Obligations Cancelled, and the said abdicated Law is not to have place, nor to be look'd on, nor ever to obtain the Authority, or Name, of a *Statuti Regni*.

Further, a Man having two Sons, if he Disinherits the first, *abdicatu maximum*; but if a Son renounces his Birth-right, as *Esau*, or does Facts whereby he becomes unworthy of it, *ille ipse abdicavit patrimonium*, the abdication is on his part, and as formal a laying down his Right, as if done by the most firm conveyances.

These are the true, genuine and proper constructions of the word Abdication, and the others put upon it as a simple running away, a hiding; or playing at Bo-peep, are so far from belonging to it, that I believe they never found so much as an Idea in the weakest pericranny till now.

An Abdication, in this sense, would not only of all others be the most absurd, but the most unjust, for were it once allowed of, 'twould quickly be stretched to this, That only a Man's going into Foreign Parts, without any previous Act, would be a renouncing, and putting off all Right and Title to what he is Heir to, or possessor. Such a Construction is so Novel, that thirty years since, *Lambert*, who no question would have used it, had it been feasible, never urged it against King *Charles*, which certainly he would not have omitted, had it been *ipso facto*, a forfeiture of Right, Title and Dignity, when ever a good King, through the unhappiness of a prevailing Faction, was necessitated thereto.

Therefore let me remind you that the Law, which the King breaks, must be as plain as the breach evident: And further, That a King does not forfeit nor abdicate, or at least, it is not convenient to make that a forfeiture when the redress will prove worse, and more prejudicial than the thing it self would have been, though carried to its height. But certainly, a King acting against a plain and positive Law, the breach whereof too being open, publick, and of great consequence, and detriment to his Subjects, and knowing himself actually guilty, and yet not only persists long in them, but obstinately refuses to give redress, such a one must be cast out, rather than the Commonwealth be ruined. In such a condition we were, such enormities had the King committed, such a course was taken; so that, tho' Convenience may be plausibly pretended, to introduce him again, Right cannot; and consequently, no wrong is done him.

Now, that we may truly understand on what steps these abdications may be said to be, and why, we must look back to the Factions of the *Romans*, who first gave humane Authority to this Natural Reason or Policy, such an Authority that has been used in *Europe* for above 2000 years;

a Custom, no question, greatly reasonable and forcible in its Original, and therefore cannot be slighted, unless more reason, or likelihood of safety, can be shewed us for the laying it down, than ever any body yet found out, or heard of; so looking to the Contracts, we shall consider their breaches, and what methods thereupon have been taken by the people, and therein of their Authority for so doing.

*Pactiones quæ parviunt actiones in suo nomine non stant sed transiunt in proprium nomen contractus ut Locatio, conductio, Societas Comm. lib. 5. c. 1. n. 12.* Now Pactions relating to Government and Society, being *Pactiones publicæ ad universorum sunt salutem nam pacta contra bonos mores non videntur. C. de Pact.* Thus we see (taking it for granted) that Honesty, Justice and Goodness, being things seated in our Nature, may be known when kept, and when broken, and are not to be circumscribed, doct, or tied up by any power whatsoever. It follows therefore, that all people entering into Society do, and must make, and they have no power to make their Contracts otherwise than *secundum bonos mores*; that is, if Obedience is given, it must be for safety and protection; for oppression and destroying are contrary, and so being *obligationes & Pactiones Naturales* cannot be altered.

Thus much for Pactions in general.

Now with relation to us, a civiliz'd people *Pactiones quædam sunt tacite quædam expresse, expresse sunt quæ verbis designantur, Tacite quæ vel re vel tacito & obscuro consensu perficiuntur.*

*In bonæ fidei contractibus ea insunt tacite quæ solita sunt ex natura eorum operari. Comm. lib. 5. c. 4. n. 1.* all trust reposed, though tacitly *non verbis designatur*, nor doth claim and require likewise, though tacitly, a just performance of that trust; and sure, trust reposed, must be for the means of safety, and he that acts contrary to the safety of the reposing party, *omni jure aut consensu quibus fuisse regem privat*, all Pactions have their beginnings in Society; Society cannot subsist without Government, and those Governing, have either tacit or expresse Pactions, with those Governed.

The people of England are undoubtedly a Society, therefore being governed, have made Pacts, which whether tacit or expresse, cannot be *contra bonos mores*, against the Morality of Preservation, for then they were not Pacts, but Society have Pacts.

So that if we could not point out to those our Laws, which prescribe, and set forth, and shew, that here the King promises and binds himself to perform; yet I am sure, that as certain as we are a Society, and as certain as we have Pactions, being a Society, such Pactions tho' tacite must be for our better Peace and Preservation. This is now a Paction in its greatest Latitude, a Paction, that though it may be said gives the King liberty to take what measures and methods he pleases, for our safety, yet they must be such as must keep us truly safe, or even this unlimited Monarchy, which



which is all the highest and most Despotick Rule without Conquest can pretend to; if he wilfully seeks our disquiet or oppression any way, and has broken his Paction, may be declared to have abdicated. But, alas! We are not at this Look, all our Kings have solemnly sworn, as likewise the last King did swear to Rule by, and observe the Customs, Laws and Statutes, of the Realm, to walk the way, to follow the methods there prescribed for our safety, and is not left to his own methods, though he does it with a good intention, and his way may be somewhat better than the other; yet as it may seem to be an acknowledgment that he may decline and vary his methods as he pleases, and thereby open a way for them to pretend such a power in other matters, and at other times. We must rather suffer a mischief for the present, than a lasting Inconvenience.

Now when the original, fundamental, and natural, tacit Paction, and the *Pactiones Expressæ & legitime quæ Legibus aliquibus confirmantur* were evidently broken, the one by the Rulers endeavouring to subvert his Subjects natural Rights, the other by his going against the express Letter of the Laws and Statutes of the Realm; such breaches, or male administrations, were called an abdication by the ancients, and is just the very same thing which we call forfeitures. Their Pactions were the same as our Covenants and Agreements, their Male Administrations and Fractions being the same, or compatible with our Breaches, Forfeitures, or Surrenders, it follows that the punishment be like theirs, and like them, *i. e.* by such as they were, we may pronounce the Sentence of forfeiture, or abdication, by our Representatives, freely chosen; all good Patriots seeking not to please their own Factions nor Palats, not their own Interests, but Impartially the Good and Glory, Peace, Happiness and Quiet of the Nation, with a due respect to the causes for which the party is pronounced to have abdicated. We have abdications daily in *England*; even as often as there are breaches and forfeitures of Covenants, for these all are only different words made choice of according to the different Idiom of each Nation, to express the same thing.

If *A.* Leases a House to *B.* with Covenants for *B.* to repair, and in case of failure, that *A.* may enter: Now if *B.* neglects to repair as *per* Covenants, here is primordially a forfeiture, and whensoever *A.* pleases to enter an abdication; and though *B.* after such omissions and breaches endeavour to retrieve, *A.* is not in the least obliged to take notice thereof, for *B.* doing contrary to what he ought to have done, concludes him for ever from having any right to the remaining years, and is as formal an abdication, as a surrender or release can be.

*C. lexicon Juridicum* tit. *A. B.* gives us an excellent Explanation of abdication, according to the Customs of the Græcians, *dicat enim quod due sunt formæ abdicationum: altera Criminis perfecti, ut si abdicetur raptor, adulter, altera*

*altera Imperfecti velut pendentis & adhuc in conditione positi quales sunt in quibus abdicatur filius qui non pareat patri.* To which, let me add as in Explanation, that there are two sorts of Abdications, or ways of Abdicating, the one by Facts, directly, plainly, and positively, against the Letter of the Law, and plain and positive Custom of the Country; the other, when any body of men (as the Parliament) have Authority or Jurisdiction; or such, who may reasonably be supposed to know their own danger, and how to prevent it, if possible, (seeing that the unruliness, design, and mischievous Intentions of the King, will endamage the whole people) may declare 'em to be against the fundamental constitutions of the Realm; and tho the facts at first transgressed not any particular Law or Custom, it being easie for one that intends evil to find out such new ways, that having never been acted, so ne're had medicines sought after or prescribed to cure or prevent them; yet here I say they may declare it (if it really does tend to the destruction of the Common-weal, and that he designed it so) to be a forfeiture, tho no other written Law than that of honesty was transgressed.

Now whether a King is our Natural Father *jure divino*, or our lawful Father on terms or pactions, as Protection for Allegiance, they come both to one end, *viz.* that either may be deposed; for allowing of a Divine Right in Kings, as *Abaziah* King of *Judah*, yet was he slain by *Jehu*, and who was anointed in his stead.

Now as for the latter, 'tis undeniable that the entring into Society and submitting to a head must be for a protection from the violence of others, or else how were it necessary, being the only reason that ever was or can be alledged for it, and if that protection ceases so far as to make it self directly contrary to it, by oppressing instead of protecting, which could never be such submitters design, Allegiance ceases, and may transfer it self to the better accomplishing that only and necessary end, Safety.

And such Kings or *patri patriarum*, may be said to be adopted as much as acceptance, which is in the will of the adopted Child, may or may not be given to the adoption of the adopting Father: And then *non tantum naturales liberi sed adoptivi quoque abdicari poterant.* *Suet. Augusto cap. 65. Et Plin. lib. 7. cap. 45. Briffon. Nunc abdicandi filii causa sunt si filius patri obediri nollet sed ejus voluntate contumax repugnaret & eum Injuria efficeret. C. lib. 8. tit. 47. l. 6. Abdicatum filium pater educare non tenebatur; imo datum vestibus spoliatum, familia que ejectum demittebat neque deinceps in liberorum loco numerarem velle.*

And has a King more right to the obedience of his Subjects in all circumstances, than a Father has to the Duty and Obedience of his Child, which is the highest of Obligations, as being natural, the thing too from whence some would infer in the *Jus divinum*, that the Patriarchs had over their Clans. The agreement of a Father and a Son, being so like that

of a King and his Subject, that I may very well use the forfeiting the duties of one by comparison to the forfeiture of the Allegiance of the other, which the most censorious carper cannot but allow as reasonable, and favourable to the humour of men of those tempers with the Miner; because I grant that Allegiance to be natural, nay, as much *jure divino* as duty to a Father being the true *jus divinum*, which tho they have often assert, could never yet prove, but to please em I'll grant it.

Note that all respect is not forfeited, nor is the Son to treat the Father as an Enemy, only the paternal or filial Duty ceases, but the neighbourly remains.

Now as there is a duty owing from the Son to the Father, so there is a duty owing from the Father to the Son; and if duty is forfeited by the ones seeking to do the other mischief, the Father not having the power of his Sons life or liberty, of doing him any injury, may forfeit the love, respect, allegiance, and all other obligations he may claim as Father, as well as the Son by the like may forfeit the love, relief and protection from his Father; for injury must be done no man whatsoever, and if done, forfeits all duty owing from him to whom 'tis so done: *Vicissim autem & abdicatio quedam ad alienandos parentes, Grecis in usu fuisse videtur. Vide Aristot. 8. Ethic. 14. Hæc Gottho. in not. ad d. l. 6. C. de patr. potest.* If the Injury be such as would have robb'd the malefactor of all ways by which my duty might have been accomplished, as cutting me off by death, or wholly incapacitating me, by taking away my Liberty or Estate; and the Father or Son tho they get a capacity after, yet is all obligation cancelled, since 'twas no more than the malefactor intended by the injury; and my reviving, escaping, or getting another Estate, was never by him expected.

Now if you consider a King has no more power over the life of a Subject, I am sure the Kings of *England* have not than a Father hath over his Son, and if injury is done, as aforesaid, and Allegiance is cancelled too, because it may take away that pretensive authority under which he endeavoured to do those evils. I must shake off one to be safe from t'other, for sure no pretence whatsoever should persuade us that to seek a true safety on just causes is an evil.

Lastly, and to come nearer to the case, *abdicare Magistratum Salust.* is to resign or to give over his Office, *abdicare dicitur Preses l. pen. de Offic. Præsid. qui ante diem munus (i.e. officium) suum deponit Brissou. Abdicatio Magistratus enim est cum Magistratus ipse deponitur;* again, there seems to be this difference in abdications when any Prince or Ruler, as *Theodosius* and *Charles* the Emperours, who without committing any previous male administrations in Government, freely resigned and went into Monasteries; and this may be more properly called a resignation, but a resignation is an abdication. Now, besides this, there are two other sorts of abdications, that is, I mean, two methods thereof, the first, when after male-administrations or forfeitures, the Prince, sensible of his evils, signs a formal resignation, his male-administrations being the abdication, and the resignation the acknowledgment

that he had abdicated as the Kings *Edward* and *Richard of England*: The second, when after male-administrations of a Prince, the People declare, on free debate and consideration of his actions, that they were abdications and forfeitures, and that he had abdicated; for male-administrations make an abdication without any formal, or civil act of the male-administrator, though indeed a formal Surrender in Writing, after such male-administrations, would be more evident; a greater sign that he had nothing to say in contradiction to the actions alledged against him, but adds no more, nor takes from what he is known to be guilty of, than a Malefactor's pleading Guilty, or Not Guilty, does from his Crimes; and no Depoartment, act, or thing, of the Male Administrator, ought or can lessen the forfeiture after such male-administrations.

Thus having explained in some measure the true sense of an abdication, and the use which all Nations have made of it, with respect to the timing and applying it in general; I shall proceed (taking it for granted that the Kings Male-administrations were such, for which others have been declared to have abdicated) to shew that he wilfully continued in them, voluntarily, renounced, resigned, and refused to continue King; and that the people had authority to do what they have done, *viz.* to take up Arms, and pronounce him Abdicated.

I suppose the hardest thing that some can't chew, is, that hearing abdications have commonly this Epithet, voluntary added, They cannot think that the late King did wilfully resign and refuse the Government, or leave the Kingdom, and therewith rested pleased and contented. To this I offer, first, That every person executed, is either murdered, if not guilty, or a *Felo de se*, if guilty: No question now but that the guilty Malefactor may be unwilling to go to the Gallows, yet is his death, and being hanged as wilful, and he is as much a *Felo de se* as if he had actually poysoned himself ere the Crimes committed, and to put the Rope about his Neck with his own hands, would not be in any wise sinful. Secondly, 'tis worthy of our notice and consideration, that all Judgments at Common Law have this Clause, *Ex assensu suo adjudicatur*: The meaning of which is, that the party against whom Judgment is given, assents, and is satisfied therewith. Now I appeal to all men, whether 'tis usual for people cast in Law Suits, to be pleased with the being ousted, or otherwise concluded; but the Law consults them not, but presumes and does expect, that they should be, and I am sure they ought to be contented; and 'tis both a sin and a misdemeanour, not to embrace, with a willing and cheerful heart, a Sentence justly pronounced, though never so much to our prejudice, if I may so say, that Justice can in any wise be prejudicial: Now if they ought to be satisfied and are not, no more regard is to be had to them than to the frowardness of a Child, that cries because he may not have that which is not thought fit, or convenient, to be put into his hands.

Now



After all male administrations, there must be a *post factum*, not to make those male administrations an abdication, but to declare that they were an abdication, and this is to be declared by a competent number of good Patriots, whose aim is the Glory, Good and Interest, of the Nation; and with whose meddling and cognizance the people are pleased, being at this time their Representatives, because they cannot get such as may relieve them otherwise; and which Declaration is not so much for necessity, to make such male administrations an abdication, as for convenience and justice, that a Rabble or two or three Factious, should not pretend on all occasions when they please, to say the King has abdicated, and so not only take up Arms, and deny his Commands on all accounts, for actions, which perhaps small in themselves, none but these few think want redress, and for which it may not be convenient to make such a Confusion, as a change of Person in the Throne, while alive, must make. Secondly, with regard to Justice, That every designing Phantastical Head shall not be Judge of such things, *abdicatione appellatur extremum patrie potestatis fulmen*, now all powers must be capacitated and qualified, but that a Rabble or Faction have this, *patrie potestatis*, or indeed any power at all than what is subordinate, I could never find; for this would open a way to all Villany, whereby Wars, Tumults, and Rebellion, would be raised, for perhaps no reasonable cause, and so highly wrong the King in the disturbing him in his Right, making his Title even as precarious as an Elective, thereby bringing on the Nation the Confusions that are (through it) in Poland, and which were not long since in Hungary; to which sort of Titles our Kings have theirs paramount, and as freely Hereditary and Independant, as perhaps any Kings in the whole World.

*Miner.* What power on Earth can call an Hereditary Monarch to account? What is the Law? Where is the Court? And who the Judges?

*Counterminer.* To this you might have had an Answer above 1000 years since, almost the continual practice of the whole World: How many Roman Emperours, a Dignity above King, have been deposed by their Subjects in Arms, authorized in extremities by Wise, just Senators, *i. e.* Representatives, freely and legally chosen?

This is the Power, this is the Court, Judge and Jury, that has deposed so many Kings and Emperours; for can a King be wiser than a whole Nation? I know in a Parliamentary way 'tis presumed, because then the King, or third State, is *anime Saluta*, and though the Representatives of the Commons are truly Representative (but Politickly) of the whole Nation, yet must it be owned that the whole Nation (naturally or simply so called) did not *de facto*, choose them, because a third part of the Nation simply have not Right, and indeed when things run current, that is at all other times than when such a juncture happen, there is not so great reason for the whole Body Natural, *de facto*, choosing, because then

Parliaments being only for matter of orderly Government (wherein Beggars or Indigents must not be admitted) and the healing and providing against breaches, which must ever happen in the most quiet times, and good agreement of King and People ; but when such a juncture happens as now, when the whole Foundations lies unguarded, the Opinion of the whole, even every particular Soul (excluding only those that have excluded themselves) are to be considered, even those living by Alms, who may have natural Capacities, honest Intentions, Godliness, Charity, and whose results we must then be guided by : And accordingly, the Convention moved by these directions, the Wise, Honest, the whole Natural Body of the Nation, who all agreed that he had abdicated, that it was neither Prudence nor Justice to set him on the Throne again, but therein to place King *William* and Queen *Mary*. And the reason that the whole people, qualified and authorized as aforesaid, may do it, and not any particular Court, is, because, first, a particular Party of men may be byass'd and practis'd upon, as we see the Judges have been often at *Westminster-Hall*. Secondly, because by the power they do it with, it shews as they overcome and are not withstood ; it seems to be the whole consent of the people, and which is plainer, in our case, because there were none at all that stood up for the late King, at least, none but such as had by Law forfeited all Right to have a Voice in the Common-weal. Thirdly, taking up Arms, shews the great oppression they lye under, and consequently, the desire they have to free themselves, since they choose to venture their Lives, empowerish their Estates, and give themselves a Trouble and Danger which cannot be supposed they would undergo for a small matter. And Fourthly, the Judgment ought not to be Death, that they may shew to the World that they desired not his Blood, but means for their own safety ; and here let me advise a civil treatment, lest it may be said we envied the Man more than the King that gave him the opportunity. But no body sure will say that our hate was more to the Papist than to the King for his male administrations, for 'tis evident, the whole Nation gave him a respect suitable to the greatest love for the first years, and if we altered after, 'twas for actions whereof he had not been guilty during those years ; and here let none object *Monmouth's* endeavours, since that was no more the desire of the Nation to have King *James* deposed, than 'twas the desire of the Nation that the Gun-Powder Treason should blow up the Parliament, because *Guido* and the other Traytors attempted it.

*Miner.* But how can a Superiour be judged by an Inferiour ?

*Counterminer.* Now granting you that the Law is not superiour to the King, tho what can be more ridiculous than to say that a man has right and power to break a bond after he has entered into it, and if Law is, nor his own act, nor condescension, nor promise, and so no tye on him,



to concede to the Law, yet sure reason ought to have the predominance over folly, Right over Injustice, and Godliness over Wickedness; but allowing this to be no Paradox, yet dont we see, that as a Woman may forfeit the love, respect, and maintenance due from an Husband, who is Superiour, so may that Superiour forfeit to his Inferiour the Wife, and she may cancel all her Obedience or Allegiance.

'Tis certainly a great Specimen of Knavery and Folly, to say: that an Abdication, taking it in the sense of a Renunciation, can be forced, or be otherwise than voluntary, for male-administring is Primarily seated in the mind, and are the practices of an ill Man, a Man propense to Evils and Tyrannies: Now is it usual to force Drink on the Thirsty, or Food on the hungry: To come more nearly were there any racks or tortures, was there any compulsion used to King *James* to make him do those things? did the Bishops advise him to do 'em, did the Nation desire him? nay, you must prove a forcing him to do 'em, to answer your Topick. Or was it his own Stiff-neckedness, his own Inveteracy and design; certainly this last, and therefore shall and ever has been taken voluntary. I'll put a familiar case to you, supposing any of you in Office do things contrary to your place, hoping no notice will be taken thereof, that you shall be forgiven, or that those having authority will not for the troubles sake displace you; and perhaps you would not have done such things had you known that they would not have forgiven, but displaced you. Will it be any other than an Idle trifling pretence when you are called to account, to say truly I would not have done so had I thought this would have been the upshot. Can now your former practices be taken other than voluntary, or we accept of such excuses as feazible.

An abdication is always the sole act of the Abdicator, *abdicare non solum de patris facto potest dici quod est familia abjicere sed rem quam libet negare*. A denying to act according to their duty, and to say that a number of Men declaring it to be so makes that to be an abdication which was not so before, is as ridiculous as to say the Sun had no light ere *Adam* pronounced it; which takes off all fault from the carriage of the Parliament in it, for the Kings abdication was prior to their choice or meeting.

A being active in male administrations makes us active in our abdication, because male administring is at the same time abdicating. The Resignation of King *Richard* does indeed seem the most wilful of any, after male administrations, but cannot give any president in the least that the abdicated must, or that 'tis necessary he should exert such a demonstration; for if it were allowed that a King has not abdicated or resigned, till he shall please to sign a formal Declaration thereof, we should have 'em far more arbitrary than the Gran Seignior, knowing nothing but one act, to wit, a signing a formal resignation can hurt them. Besides, we never find allowing that male administrations are not an abdication, or at least

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are not convenient to be taken so, till the peoples representatives have so declared ; yet when a King has committed male administrations, the abdication dated too from that time, what voice, what power has the King in the Common-weal ? what occasion is there for it, since if he is a Man bad he will not confirm ; if good, and had not committed such evils, he would not have been declared to have forfeited ; to admit the necessity of such a Sanction were indeed to destroy all redress, for if they say he has abdicated, and he says he has not, he may go on in his Tyrannies and ride us to Eternity.

King Richards resignation was only on hopes of being better dealt with, seeing he could not get away, by shewing how willing he was to conceed to their desires ; 'twas only a further confirmation and evidence, confessing he had abdicated, but not in the least divesting himself thereby of any more right than he had before left himself.

*Abdicare se Magistratu est ante tempus Magistratum deponere Pomp. in l. a. § 13. de Orig. Juris.* Note that both the abdicating, renouncing, or resigning are actives, *se abdicare Magistratum.*

Now since we find not amongst the actions, from whence these Doctors take the propriety of their words, that a deposing ones self, or resigning, were differing from, or adding to an Abdication, because of the formal act, or conceeding speech of the party so abdicating, it is therefore undeniable that an abdication being inclusive of deposing ones self, resigning and putting off ones authority, if we wilfully and actively commit male-administrations, we also wilfully and actively abdicate, and consequently are wilfully active in our resignings, deposings and abdications.

He that is a Pyrate, and has so used me, is far from shewing himself to be a Protector ; and Piracies committed on me, can be taken no other than to be wilful ; for can it be thought that we his people oppressed by him, offered or desired him to do it. *Abdicare se tutela,* says Cicero, *ad Atticum Epist. 1. l. 6. Itaque tutela me abdicare cogit Quod Ulpian in Epist. Instit. tit. III. Interpretatur est dicere se velle esse tutorem Prætor. Briss.*

*Abdicare & Dedicare (i. e.)* To commit male administrations so open, bold and notorious, that there is no concealing or denying them, the party too committing them, knowing they were against the Law of the Land. *Apud Apul. est affirmare & negare,* is to own, because I cannot deny, that I am a male administrator, and therein and thereby deny to act otherwise. The late King hath committed undeniable, and notorious breaches of the Law, and to commit, in the sense of these famous Doctors, and according to all right Reason and impartial Judging ; nay, the most cunning Sophist cannot turn it other wise, but that an acting contrary to the Regal Authority, is positively, as these Lawyers affirm, to say I will neither

ther do otherwise, nor be your King any longer. A King, indeed, may be as unwilling to leave his Tyranny, and consequently, the Pleasures of such a Rule as the Felon life; but all pleasures are not lawful, to love them or desire them is an evil in a King, but to put his desires in agitation is insufferable: And he that acts such things, and persists after admonition, absolutely says I will rule so or not at all; then such a Rule let him take and seek for his Subjects where he can get them, for the people of England cannot, nor will they submit to such a Yoke.

Certainly no man will be so hellishly impudent and hardened, as to seek to set up him again, who says, If he is admitted, he will still act as he did, that is, Unlawfully, Oppressively; nay, and denies to take any regard of, or defend them *tutela me abdicare*, nay, that he will not be our King nor Governour any longer, *dixit enim se nolle esse tutorem*. Would any one think now there were a folly and boldness like this, to tell us the King will act righteously if defeated, and that they would not plead for him did they know he would be as bad again; yet in direct answer to the question, he says he will neither act better, nor be King *tutela se abdicare est dicere se nolle esse tutorem*, more than which I shall prove upon him, from words spoken by himself, ere I close up this Treatise.

*Hi (q. male administratores) per se & quasi sua sponte magistratum deponerent Papinian in l. pen. A. de offic. presid.*

But to take away all objections that these Gentlemen may hold by, as that the King was forced to abdicate, renounce or resign; and that there must be such a thing as a willing and agreeing consent, take the following Instances, which will undeniably shew that there needs no such consent; though at the same time it must be owned, that abdication is always just as wilful as the male administration is, for indeed they are both but one thing. The Example is of the abdication of *Publius Lentulus*, delivered by *Salust.* p. 10. Edit. 1521. *Aldus*, who after he has related the whole Conspiracy and its Detection, and with these, the actions of this *Lentulus*, he comes to the Proceedings against him, in the Senate, and therein how for such his Crimes he was declared to have abdicated; *Ignitur (saith Salust.) per lectis literis cum prius omnes signa sua cognovissent senatus decernit uti abdicato magistratu Lentulus, ita que Ceteris in liberis Custodiis habeantur.* Thus you see on the very reading of the Letters, wherein Treasonous Practices against the State were contained, and that he was known by his Seal to be the Author, they decreed that he had abdicated his Authority. But what says *Cicero*, in *Orat.* 4<sup>o</sup>. Edit. eadem, a man of the highest Authority then, a great Lawyer, and of a Godlike Judgment, one that had a more perfect notion of the matter than *Salust*, tells the Senate, that they had forc'd *Lentulus*, for his Treasons, to abdicate, not taking notice of that piteous consideration of his being willing or unwilling. So that taking it for granted, that the late Kings male administrations and evil practices

practices are as plain, obvious and undeniable as *Lentulus* were, though written with his own Hand, and signed with his Seal; and taking it too for granted that they are male-administrations of a nature high enough to make a forfeiture, I would ask them whether *Lentulus* had any wrong done, because he was forced to abdicate, notwithstanding the supposition that he was unwilling to have been deposed and strangled in the *Tullianum*. *Nunquam tamen dixerat se nolle esse tutorem*, otherwise than by construction, which therefore the late King *James* said as positively as *Lentulus*, and on which very construction *Lentulus* was declared to have abdicated therefore, &c.

And further, supposing the late King had signed a resignation, would these Gentlemen have been satisfied ere the more, that he did it heartily and willingly, considering that although *Richard*, in fact, signed a resignation, yet is it apparent that he was neither willing so to do, nor contented therewith when done.

To conclude this point, the late Kings getting to *France* was not the sole reason of abdication, but an addition to his many other ills, a corroborating the reasons for his being declared abdicated; a continuation of the acts causing his abdication, a meer wilful self-banishing, a desire to bury himself from the thoughts of his Country, an abdication drove to the highest degree, even in all its parts and circumstances, as a refusing and renouncing can be capable of; the very *Acma*, the only thing that could make the forfeiture more plain and positive against him. King *Edward* might be forced by threats to his *post-facta*; *Richard* might, thro' the Infolence of his Keepers, sign what otherwise he would not have done. It might possibly have been only pretended that *Edward* actually resigned his Diadem, and *Richards* Hand might be counterfeited; their faults were chiefly Idleness and Extravagance, which could only, by supposition, have tended to the unsafeness of the Nation, without any designation by them to encroach, or desire to subject their people to any other form of Government, to change the Established Religion, or make themselves more Arbitrary, being in their Hearts, kind indulging Princes. But who can give such a Saint-like Character of King *James*? Who can say but that he wilfully endeavoured to overturn all our Laws, that he encroach'd on our Properties, committed a violence on our Liberties, greater than the Conquerour? That he endeavoured not by unjust and wicked practices to overthrow our Religion? Sought not only all occasion to do us injuries, but set up and protected others in doing so too? Who can deny but he went out of the Land? Who can say there was any restraint on him? None at all, little sure, since going where he pleased, and that without any ones pursuit or enquiry after him, when gone, is a manifest contradiction to restraint, leaving the Nation in the greatest of Confusions and Distractions that ever she was thrown into by the Crimes of a King



King; being laid open to all Invaders, against whom how was it probable we could defend our selves, carrying away all the Ensigns of authority, by which we could only raise some, and force others to defend the Kingdom; doing the one that he might have prevailed by the help of a detestable bloody Tyrant, in the other, from which he only desisted for lack of strength, doing now all the base, bloody and groveling mischief he can: Is this a sign of any remorse for what he had done, or a desire to do better?

Shall any reason, cause or exasperation, make any but an ill man Revengeful? Revengeful too in such a horrid manner, to stir up a Tyrannous Monster to take us prizes, whereby many were butchered in a most barbarous manner, and merchandize seized to a great value. That the *French* King should do this too? notwithstanding the Leagues remaining till then, and on our parts till now unbroken, shews that the *French* King, not being at enmity to King *James*, they have both entered into a combination to destroy and subjugate us to the *French* yoke; and so consequently endeavoured to throw down all our Rights, and set up the Government as now in *France*, which is miserable oppression and slavery: And yet this man, this enemy of our whole Race, endeavours to reseal himself without any Promise, any Repentance, any offer of Condescension, tho' it were insignificant, but is an undeniable proof that he resolves to act again as he has already; nay, worse than what he intended, should he get it by Conquest, being of a nature not altogether forgetting or forgiving injuries.

*Miner.* Well, if you declare the King to have abdicated, I hope you will be so civil as not to declare his Heirs abdicated too; for if male administrations be the only cause which can make an abdication, how can the Heir, who never exercised, nor was in place to exercise the Regal Authority, be guilty of any such act? Perhaps too the Heir may be an Infant, so that we cannot foresee his being an ill Ruler. And, sure I am, an Infant cannot partake of the guilt of his Predecessors, or by advice or employment; or if at years of discretion, abhorring the practices of his Predecessors, so neither partaking nor committing, why should such a Heir be detrimented by the ills of his Predecessor; for though Subjects may forfeit theirs, and all others right claiming under them, yet Kings and their Heirs are not subject to such a fatality.

*Counterminer.* The late King had three visible Heirs, to wit, the Princess *Mary*, Princess *Ann*, and the Prince of *Orange*.

But perhaps here it may be expected that I should say somewhat of the Prince of *Wales*, now 'tis notorious that several weighty objections were offered against the Queens being with Child, and I put it to them whether reasonable, or any satisfaction, that could claim so much as the pretence of being satisfactory, was ever given, tho' they used their utmost endeavours to do it; and certainly, they must own a satisfaction ought to have been given

above what is usual. But neither the usual openness nor freedom of other Deliveries appearing, but on the contrary, a closeness and private Juggling, any of the matters of the Queens Belly not being meddled with by above three, I must ask for what one reason such privacy was, why they did not give such undeniable proofs as might have been given, had she been with Child; and I am confident, where objections prior to a Birth are not extravagantly made, but such as may be undeniably contradicted, if the cause is good, and if so, they ought to have refell'd them by such truths, and have shewn it had a good Title; but if they did not give the proof might have been given in a right Case, they must own no Title can be rais'd on no proof, on no appearances, of that by which they pretend to claim it.

Perhaps some will ask here if all Heirs must shew such a Title, that is, the being born of such a Woman; yes, certainly, and the late King, and this present, having been notoriously known to have been born of right Parents, long since, and which none have ever contradicted; but this, even from the very pretended Conception and Birth, was contradicted, every one perceiving their Juggling, and that, it was otherwise, no reasonable proof was ever given. 'Tis neither safe nor convenient for the Prince that has such an obscure Title, nor those living under him, since it gives the best opportunity for all ill men to disturb his Government; and one would wonder what should enter into any mans heart, to desire to make his Childs Title so obscure, and consequently, bring on him such troubles; for that, a more positive proof might have been made, and so have hindered all Calamities threatening, and attending such Titles, have we ever smothered what they say was undeniable proof? Or do they offer any other than what is frivolous, and under which a Fob Child-bearing and Delivery might not lurk? We had a powerful party withstood our looking into their Hocussing, or any further than they pleased to show us; and certain I am, that we never denied looking into any thing they desired to have us, nor can they have the face to say we have lessened, or misrepresented whatever they acted in our sight. As for the darkness of the business, I wonder not at it, since privacy being the only thing wherein their Interest lay, it would be miraculous to me that what they intended should be buried for ever, should be scratched up in a twelvemonth, when they must needs, in the very burying, propose to themselves that there would be a vigorous and close search after it.

I shall add no more than this, and I am sure it will be allowed of, that as nothing can be more easie than to get a Woman who will suffer her Child to be made a Prince, so the Author of the Answer to the Depositions, has undeniably shewn, that such a Woman might be delivered, and the Child conveyed to the Queens Bed-Chamber, with all the privacy imaginable; allowing too, that neither Breast nor Belly be shewn; that it shall be

Death,



Death, or worse, for any to pry into any thing more than they please to shew; that the Labour must be unawares a month before the set time; all parties that ought to have been present sent out of the way, not one Soul assisting the Delivery besides a Rascally Midwife, nor of that Delivery or Labour, any thing seen; no Creature there in due time before the Labour, to see that a Child was not conveyed into the Bed, but all Attendants sent out of the way, by which there was all the opportunity could be desired, no one Soul assisting, the most repugnant to a true Labour, but highly agreeable with a pretended one; and not one of those called to see the Delivery, who can give any more account than I, of such a Labour or Delivery, but that they heard the Queen squaul, which we allow of, but can never allow that every time a Woman shall please to squaul she is in Labour, or that it is an answer to all those reasonable objections against her being with Child at all. If they evaded giving satisfaction, as to the Belly and Milk, knowing the perfect Delivery would clear all; then there ought to have been that perfect Delivery, for we cannot accept of the King, Queens, or two of their creatures word; we had excepted against that before as Insufficient, and sure 'twas no fair dealing to give in answer but just the same thing again. 'Tis no mean Argument to me against the Birth, that knowing my self free from partiality, as to this matter, I cannot find that they lost or missed, by misfortune or inadvertency, of giving better proof, but that these omissions were wilfully designed, and of any reason ever given by them for so doing, I neither have heard nor can imagine.

Thus setting aside that which had never any reason to be set up, you say very right, that a King cannot hurt his Natural Heirs rightly capacitated, those are such who have not been seekers of oppressing, or ruining the people, neither Ideots, Papists, nor Mad-men; nor do the male-administrations of a King forfeit the right of Heirs, for this would be, of all other things, the most pernicious, for it would deprive the Common-weal of fit persons to Rule, and would thus far, perhaps, engage all the Princes of *Europe* against us, since such a practice being wholly unprecedented in the World; those Princes having right in them or their Wives, even to the hundredth generation (would, if they were not, as I believe no Prince in *Europe* but what has some pretence, though a great way off,) joyn to our great annoyance; and for this great danger, what one risque or trouble do we run, if the Succession be not so forfeited. Now the Natural Heirs, Princess *Mary*, Princess *Ann*, and Prince *William*, being rightly capacitated, and their Titles not forfeited, have agreed, and they might agree to prefer Prince *William* before them; so that till you can prove this preference to be against their Wills and liking, against all reason, and the good of the Nation, you can never prove that the Heirs are wronged by this preference. Nay, Prince *George* too, which Corroborates the agreements of Princess

*Ann*, sees it so necessary, that he has yielded, or rather advised thereto : a Condescension, and act so Glorious, so Generous, that no History can ever Parellel. Now whether this was done out of his, and Princess *Anns* own Inherent goodness, for the safety of the Nation, or their own Interest, these must both shut out the clamours against this preference, since those that pretend they would have had it otherwise, under a pretence that it would have been better for the Nation, must be dumb, when the Prince and Princess, and a Parliament, has said it ; but more especially, since you can offer no good reason in contradiction. And those that like not the preference, out of zealoufness for the Prince and Princess of *Denmarks* Interest, must know, that these having a Negative Voice in such a preference, as *John* of *Ostrogothia* was consulted, and did agree (which argues the necessity of his concurrence,) that his Uncle *Charles* and his Race should come in before him, and yet this *Johns* Brother was abdicated ; so that from hence we may gather, first, that Heirs rightly capacitated, cannot be hurt in their Succession by their Predecessors evils ; and secondly, that such Heir had power to postpone his Succession. Again, if it was not (as none will grant for the good of the Nation) then it must be for Interest, and the Prince and Princess being satisfied, as no question they are, then our pretended kindness, being wrapp'd up therein, must cease its snarling, when we see it was for their Interest, because they are pleased with it ; so they think it, and so thinks the whole Nation. And consequently, for these Bussie-bodies to murmur, is not only to their, the Queen, Prince and Princess dissatisfaction and displeasure, but even against their true Interests.

Now in making this preference, it is not a younger Brother disinheriting for ever an elder, against the elders will, as in *William Rufus*, who having deserved far less of the Nation than *William* Prince of *Orange*, yet got the Throne before *Robert*, whose right it was : This was not a Nephew putting by a Niece the right Heir, and that against such Niece's good liking, as in King *Stephen* and *Maud*. This was not a younger Brother Disinheriting for ever his elder Brothers Son, and which was against the consent of such Brothers Son, as in *Arthur* and King *John* : all these alterations in the Line were made against the desires of the Heirs, and who were put by even so much against their Wills, that they withstood it by Wars, prosecuted with all their vigour, and had a great part of the Nation on their sides ; but in this preference, all the Heirs and the whole Nation agree. Ours is only the consenting of those Parties in whom the Natural and Politick Rights were to order their Successions, provided they were not done to the detriment of the People ; and which preference was because his circumstances was our obligations, nay, Princess *Anns*, and Prince *Georges* obligation to him, and the good of the Nation required it ; and to have done otherwise, would not only have been ungrate-  
ful

ful and treacherous to him, but greatly prejudicial to our peace and safety. So call it what you will, either the Right, Natural, Politick Heirs proposing, and the peoples liking thereof, that set King *William* in the Throne, or the people proposing, and the Heirs Natural, Politick approving, it comes all to one end, viz. that King *William* owes not his Title, in the least, to the Suffrages of the Convention or Parliament, any more than thus, That the Princess *Mary* and *Ann*, and the Prince of *Orange*, in whom the right were mutually consented, for their own Interest, and the good of the Nation, to *postpone* their Titles; and if the Parliament liked thereof, it is so far from owning their having a power to dictate, that this agreement of giving preference, only requires of them a more hearty and vigorous Allegiance, by how much they have owned that the King is to their liking, more than at other times, when the Heirs have not been pleased to consult their directions; you are pleased with your subjection, obey then readily, go forward cheerfully. So that the frequent assertion, that the right is broken, is very foolish, or that the Government, of choice of persons, to occupy, is devolved on the people. As to the first, none sure will question, but that Natural Heirs, rightly capacitated, may, in the order of Succession, as it pleases themselves, prefer one before the other, when no detriment can come to the people thereby; but when 'tis so far from being likely to be Injurious to the people, that they are pleased therewith, and reckon it greatly advantagious, here certainly, none will say but that such preference is good, and far from any thing of having their Right broken, for we must all own, that had Princess *Ann*, and Prince *George* withstood, had it had any probability of being hurtful to the Nation, we could not have vindicated our Injustice to Princess *Ann*, and if she had a Negative, she had Right, and so, consequently, her Right was not broken.

For the latter, whatever some may assert to the contrary, the Government, or Choice of an Hereditary Monarchy, cannot devolve, while there are Natural Heirs, Politickly capacitated; that is, being neither Ideots, Mad-men, nor Papiſts, for certainly, that can be no other than an Elective Kingdom, where the civil Death of the King shall hurt his Heirs, because 'tis within a probability that all the Kings may commit male-administrations, then where is the Favour, the Justice and Right of Succession kept up, which hereditary Monarchy aim at? For here the Heirs have no more Right than thus, If your Father does well, you may succeed, if not, no more shall you; a thing destructive of all Hereditary Right, and nothing but purely Elective. For, as I said before, if one Heirs Right is broken, all that whole Race or Line is too; and if another Family is set up, it must be one has no Right, because by this Doctrine, the least affinity to the King before would Incapacitate, and if they have no Right, they must be set up by the people; but that the people

ple have such a Right in an Hereditary Monarchy, is repugnant to all Law and Reason. This would be just like the Emperour of Germany, who pleases the people on purpose to continue the Succession to his Son; and till they can prove the King of Englands Heirs to have no better right, than the Emperour of Germany's Natural ones, we may justly throw by this new minted Republican Notion. Had they any Right at all, no question but some will be allow'd to remain, and if any, all remained, because a little right must not be lost when none have more, and that little right being paramount to all other pretenders, the Natural Heirs of the Crown, rightly capacitated, had never such precarious Titles as to depend on the Suffrages of the people, for though the good liking of the people is very requisite, yet is not the Kings Title solely by them given but corroborated, nor is it a kind of *Individuum vagum* till they decree it to be, but 'tis dead and annihilated when they declare it to be so, on just grounds, and not led thereto by Malice or Faction.

Well, if the Rights of these three Princes were not broken, they needed no Suffrages of the people to patch them up again; and consequently the Declaration, from whence some would infer, that the people gave any thing to their Rights by a Recognition, is no more than a Notification of their being satisfied that the preference of King William was for the good of the Nation. Such agreement between the Heirs, and the preference thereon being never void, but when done to the apparent detriment of the Nation.

The Declaration is only to shew and publish, that whereas the late King being abdicated, it was Princess Marys Right to exercise in the Regal Authority, and was *ipso facto* in the Throne, but all Parties, in consultation, had agreed; that is, the Parliament had advised and humbly thought, that such an agreement, as perhaps was determined before between the Princes, was very reasonable, just and good for the Nation: They do, I say, proclaim to the whole World, and thereof give notice, that not Mary solely, but King William and Queen Mary, are solemnly acknowledged to be Right and Lawful King and Queen of England, and all Persons and Nations to make Applications accordingly. And which agreement of the Parliament, with Princess Ann, that 'tis just and reasonable, and the limitations therein are as good a *jus divinum* for King William to Inherit accordingly, as ever any King had, since there is no other Right of Kings but on Pactious; and the meaning of a *jus divinum ad partem regis*, is to distinguish an Hereditary Monarchy from an Elective, where the Right is more precarious, and therefore is called Divine, as more excelling than all other Forms. So that I conceive the Parliament of Scotland, though they should think (and certainly they ought to give reasons really valid) that King Williams preference will be prejudicial to them; yet Queen Mary they must accept of as their true lawful Queen *jure divino*.



It will be asked then, why *Queen Anna* enters not on their having declared the late King to have abdicated, and thereby hinder all those contradictions which some fear. Whatever some people may fear, I am sure 'tis evident to the most, that the circumstances of the *Scots* are such, as they will accord to our example, and if they do it freely and unconstrained, I am sure it will be much better; and their obligations will be the greater, to be more *Quiet*, more *Assisting*, more *Loving*, to Their present Majesties.

*Miner.* Sed non est Heres vivens.

*Counterminer.* I think I have both by *Law*, *Reason*, and the Custom of all Ages, proved that a King may on several considerations be declared to have abdicated; that abdication of the Occupier cannot hurt the Heirs, if those hurt not themselves, so that the deference between us is only, First, Whether any must rule after. Secondly, Whether the party shall be the Natural Heir. And Thirdly, Whether he who is set up comes in *aut Heres Regni aut filius Populi*.

That another must Rule, and that a King too, Cloathed with the Inherent Prerogatives of the Kings of *England*, none will deny, for this is as Vain as Villanous, to think that the male administrations, or desertion of a King, can make the Government devolve on the people; and that it is at their liberty to mould it as they please; or to speak of a Democracy, or Common-wealth here, which would be utterly destructive to the Glory of the Kingdom, the Rights, Religion and Liberty of the People.

As to the second, we find, besides the many Examples in *Scotland*, of acknowledging or setting up the next Heir, if rightly qualified of their abdicated Kings. Thus too was *John Duke of Highland*, set up in *Swedenland*, after the abdication of his Elder Brother *Erik*. Thus the Duke of *Sundermania*, Uncle to another of their abdicated Kings (who being a Papist, had committed male-administrations) was set up on the refusal of that King, to let his Son be brought up a Protestant; and which Son was put by, only because (though being the Right Natural Heir) he was not rightly capacitated. And therefore the conclusion on these two former, will be answer to the third, to wit, That male-administrations cannot forfeit the Right of Natural Heirs, Politickly capacitated; that Natural Heirs, Politickly capacitated, being *heredes regni*, before the male-administrations of their Predecessor cannot be *fili Populi* after. And Note, that altho it should be owned that there can be no Heir to a Man while living, yet in the eye of the Law, King *James* is so far from being alive, that he died a civil Death long since.

*Christiana*, Queen of *Sweden*, Surrendered to her Cousin *Carolus Gustavus Adolphus*; now all must own that he came in on his own Right, as Natural Heir to *Christiana*, and not on the suffrages of the people.

*Miner.* The Queen of *Swedens* resignation was not for male-administrations,

strations, and therefore no abdication, so is not applicable to your purpose.

*Counterminer.* *Theodosius*, *Charles V.* and others, resigned; but for what? not that their people disliked their Government, Principles or Religion, but because they had a mind to lead a retired life, giving themselves wholly up to the service of God, and perhaps their resignations were lamented by, and against the Vote of the People. But *Christiana* was a Papist, for which her Subjects did not love her, and therefore she, on consideration that her Religion obliged her to do things which would be accounted male-administrations, and consequently, an abdication, having had so late an example of her Predecessor, King *Sigismond*, that by a meer previous owning that she should be unfit to Reign, and that she could not forbear doing injury to the people; she resigned, renounced, or abdicated, and *Carolus Gustavus* was set on the Throne, not as Regent but King.

All the Historians writing of this Passage, complain of the Queens evil Counsellors, and particularly of *Bourdeler* and *Pignatelli*, who led her into many Infamous Actions, inasmuch, that he that writes her Life, of which he was an Eye-

witness, and conversant at her Court, says she was a Lady without Religion, Piety, Vertue or Fidelity; dissolute in her Life, and libertine in her Speeches; a Cheat, Slanderer, and Jeerer; and of whom it might be truly said, she had nothing Royal but the Kingdom. A despiser of her own Countrymen, favouring none but Foreigners, and those Papists: Now that one of such a Character was not guilty of male-administrations, I can in no wise agree. And the same Author says, that the *Swedes* being weary of her Government, for the most part disorderly, she was, as it were, secretly forced to divest herself willingly of the Kingdom, to prevent with Prudence, what might befall some other way.

*Miner.* You have spit a fine deal of Venom indeed, but I have a Maxim here, an Antidote *probatum*, against such Poyson; let me see here, a King can do no harm, and if he can do no harm, why should an Innocent Incur Abdication, Forfeiture, and that whole train of Injustice that follows?

*Counterminer.* This frivolously Intricate Maxim, though designed for many uses, answers none: The Executive Authority is either supplied by the King or his Minister; a King (waving those idle distinctions of his ceasing to be so on the immediate Act of a male-administration) may do ill separately, exclusive of all others, or with his Ministers jointly; of which the circumstances of his late Majesty are sufficiently evincing. But this neither can, nor has any weight in it, to keep either from being called to account.

Some take this Maxim to uphold this other, which is, That the King never dies, but this being weak, and that but a bad supporter, I shall not endeavour to pull them down faster than they fall themselves; for indeed, they are of no existence but in some Phantastick Heads. True it is, if the King commands a thing to be done which is Unlawful, or Inconvenient, and his Officers do it, here the King is not guilty, because it must be supposed



supposed (nay, and be really true) that the King has no propense malice nor design in the thing, and that the miscarriage comes from his Ignorance in the Laws, being one not versed in the niceties nor distinctions thereof.

Again it is presumed, that proper Officers are put, or ought to be put into places accordingly, who knowing, or should know the Law, yet doing contrary thereto, are culpable, though the King commanded the thing to be done, for they should have endeavoured to shew him the evil of the Fact, and if he would not be convinced, rather suffer what can reasonably be Imposed, than perpetrate; and those that will not Sacrifice their Wealth, Life and Offices, in such a case, are not worthy of any Employment in a Common-weal; nor does the Law, that impowers the King to make Officers, ever intend he should make other than such. But when a thing is notoriously unlawful, that the King knows it to be such, and with propense malice and design, either does it himself, or protects others in doing it, in this case the King is undoubtedly guilty, and he that is guilty, if faults be great, will, I hope, find no protection from such trifling and airy Notions. Had any ever License from either the Law of God or Man, to commit such Villanies as this Maxim exerts, as they construe it? It is of all others the most pernicious, for if a King cannot do ill in no case whatsoever, 'twill be unlawful to resist in any; so that he may singly march round his Realms, with a Knife in his hand, and in a year or two's time, cut the Throats of Millions, even as many as he pleases. *Nero* and *Domitian* were men, and we know not how soon we may have an Heir who may have as well the same Soul as Species.

Well, if a King may Err, as *Magdalen* Colledge, and the Corporations have bitterly felt, and that he has abdicated, of which there are innumerable Presidents: That he will yield on demand cannot be expected, and if he ought, but will not desist acting, we may and ought to look out sufficient means to force him. Arms were ever Just in a Just Cause, they may be troublesome and inconvenient but not unjust. Where redress ought to be, Inconvenience is no Crime. Nor must a Mischief be suffered to avoid an Inconvenience; and there is no Law but assigns a Punity for the acting contrary thereto.

*Miner.* Arms may be Wicked in many Cases, but suffering can be so in none.

*Counterminer.* If the King ought not, by any sufferance, to lose or give away his Prerogatives, to the damage of his Successor, no less ought we

King *Charles II.* took the Seal from Lord *C. Nottingham*, and Seal'd my Lord *Danbys* Pardon, tho' Impeached by the Parliament. Now *Nottingham* did no ill in giving the Seal to the King, yet was the Sealing the Pardon ill, and who then did the ill but the King? Therefore if 'tis proved a King may do ill, I have not seen any so desperate as to say he has, nor abdicated, if the case is of great consequence; but this of King *Charles* was not so.

to give or yield up our Prerogatives to the damage of our Children; and instead of being Free-born, take them from the Womb Chained and Shackled. What, I warrant, you are for suffering till God shall put it into his heart to be better.

*Miner.* Or I'll allow you to Petition or Remonstrate, provided you deliver them not at the ends of Pikes and Musquets, as a smart Author has it.

*Counterminer.* The Bishops Petitioned; the Dutch Threatned; the whole Nation groaned under violent Oppressions; and the President abroad daily the Sentiments of their Sufferings, in very reasonable, modest and persuasive Arguments. The first were Imprisoned; the Dutch Proclaimed Invaders, Villains and Robbers; several Worthy Gentlemen Branded, Whipp'd and Fined; the Printers severely punished; and nothing done in amendment, but a breaking through all Honesty, Law and Gratitude, to punish those that attempted at shewing him his evil ways. And in fine, wilfully persisted; for he that redresses not, when required so to do, absolutely refuses (a not paying of Money at the day, or when required, is *ad solvendum contradicere*, a formal denying to pay) and is an obstinate resolution to continue in such courses.

*Miner.* You tell me of this action, and that action, as signs of a wilful forfeiture and resignation, which I'll assure you others, and those wise Heads, construe *bonos & legales*; and that he has done bravely.

*Counterminer.* If a man repents, sure it will be on his Sick Bed, or in other Extremity; but if he has sinned, as certain as he has acted such and such things, and does not repent thereof, neither gives proof of his future amendment, nor any security that can reasonably be required for his better demeanour, would you trust him your self, or not laugh at another that did so? But what if he not only persists in retaining his ill gotten Goods, but resolutely, at the same time, tells you he will continue his Rapines.

*Miner.* I must confess, a hope of persuading a man from his ill Courses, seems of all other things the most Impossible, when he acts them not from persuasions of a Wife, Friend or Companion, or by Example, or by being Imposed on by others, these may be taken away: so consequently the effect. But when 'tis seated in his mind, when 'tis the Sentiments of his Nature, one loving Arbitrary Sway, 'tis a little desperate to trust him again: But I hope, you will not say that the late King gave out such Speeches, for tho' it were his Nature, yet sure he was too Politick to betray himself at such a time.

*Counterminer.* At no other time I'll assure you, than just when all men thought it was his only time to promise amendment; to wit, on the 22d of October, in a solemn and deliberate manner, in the presence of several Bishops, a great many Lords Temporal, and others, of great Quality,

Quality, delivered by himself, in his own Speech, before the Depositions were taken; and so consequently, and not precipitately, hurl'd out either on unexpected aggravations, or in heat: His words are these, *I have secured to them (i. e. his Subjects) the enjoyments of their Properties, which I will always preserve.* I conceive that this is one Property of the Subject, that must be maintained by the King, that none but men rightly Capacitated, according to Law, shall be made Judges or Sheriffs, that Property may preserve Property, and that our other Rights and Properties may be secured; for no body will say but that he is an ill Shepherd that will set Wolves to guard his Sheep.

How can I be safe in my House, or enjoy what is therein, if Thieves, Robbers and Free-booters, have Keys to my Doors? nay, and can first knock me down by authority if I go to resist, and then punish me? Now I hope none will say that the people of *England* have no other, or longer right or property in what they possess, than while another shall please to take it; which tho' he may drive off for the present, 'tis but for a better opportunity; certainly there was some reason for making these Laws at first; or can it be thought, that we that have so great a power in making the Laws that constitute such Officers, and Guardians, whom we pay too out of our own Pockets, ever resolved they should be such, whom we expressly provided against, and which provision being correspondent to our safeties, cannot be deviated from, for any pretended reason, cause, or occasion, other than what the 3 Estates Assembled in Parliament, see convenient; it cannot be denyed, but that the King had during three Years before most unjustly assumed many Prerogatives, by divesting us of our liberties; all which he had not restored at the time when this Speech was made: And in pursuance thereof, never made any efforts that way, except the Restoring the Corporation Charters; so that what Properties he Restored not then, he resolved for the future to retain, justifying what he had done, by saying (as before) *that he had secured to them their properties, (i. e. all the properties he would acknowledg we had right to* (and resolved to resist, by saying in the same Speech, *that he would always preserve them so*: This now after all the threats, the certainty of approaching dangers, the exhortation from Protestant Bishops, the Opinion of the Lawyers, the perusal of many excellent Papers, containing matters Impartially, and rightly stated, all like so many Indexes to admonish him of his wilful faults, (for errors they cannot be called) therefore we could expect no other, but that 89 would have proved as bad or worse than 88. And that this securing of our properties was breaking them, and this promise to preserve them, a resolution to keep them still broken, all which methinks should be a sufficient satisfaction to those Gentlemen, that urge that the Prince should have sent word, that such things should be redressed; the King knew that the *Dutch* were pre-

paring against him, he had as much certainty that the Prince would come for the redressing those things, as if the Prince had sent him word: Now if he intended to have hindred their coming, or engaged his Subjects to defend him and send them back, all being redressed for which they could pretend to come, why did he not yield up those other remaining properties, which by not doing, shews that he resolved to grasp those ill-gotten goods, and die rather than yeild them.

Now if he would not do it on that which amounted to as much as if the Prince had sent; then it was Lawful, as they own, to bring such a number as might force him from the Regality; if no other way could have given us safety, so that if they came, they came to force, and not to be concluded by his saying I will do no otherwise; and so end 'em away again: Why, we could have had this done without such a charge and trouble; nay, and it was done, for if no one must use force against him, one will do as well as one hundred thousand. But further, this consideration made the Prince not send before he came, because he knew no proposition that the King could make to the Nation could secure 'em; and for other amends he knew the King would endeavour as much as if he had sent, since the King knew of it every whit as well.

*Miner.* It is not to be doubted but that he would have done this, had he been treated with.

*Counterminer.* If he could not have been tyed up, it had been the folly of reaping an Inconvenience to treat with him; wherein much time would have been spent to no purpose, but the ruine and trouble of the Kingdom, by being so long without a Head: And only giving opportunity to the Villanies of that party.

And tho' several pretended, that they could have found out expedients, yet none had the folly to offer 'em, knowing indeed, that would be the way to let us know they had none at all; and now lye Skulking and Barking, under a Paper Target, of what they could have, and might be done; whereas, I know several Eminent Lawyers that met, to see what Laws, Mediums and Securities, they could offer to Oblige the Parliament to accept of the King on Terms; but indeed, by finding they could make none, found all such attempts unavailable.

Again, such a tying up, tho' Calculated for King *James* only for Life, would have continued to Shackle the next Kings Hand, perhaps the Prince of *Orange's* himself; so much indeed, that he would scarce ever have prevailed with a Parliament to knock off the Fetters: And sure none of these Gentlemen are Enemies to a good King's just Prerogatives; which, this had been the Sheers to clip, and so have made it dwindle into a Democracy, or Elective Kingdom: Two Governments worthy of Detestation from all *English Men*. And there seems a great deal of reason, why



why we should not desire to curtail the Prince of Orange in his Prerogative; for seeing many of our former Kings, have, notwithstanding those large Prerogatives, acted without oppressing; and to the glory of the Subjects: Why may not we give them whole and unbroken to him? 'tis a mark of kindness, gratitude and respect; and can we be less generous to him, who has deserved far above them.

*Miner.* Ay, ay, you may talk of Shutting the Door against an Elective Kingdom, or Common-wealth; but nothing can be a nearer way to it, than letting Parliaments Canvass the Succession.

*Counterminer.* 'Tis as plain that such things will not follow, as that such overtures have been, and yet such a change has not, nor possibly can follow; the Parliament has since the Conquerour, above 8 several times altered the Succession, and 4 or 5 times in as large manner as this. Men that on such an alteration will likewise have a change of form, its consequences, are like your old Women that will have always rain when their Corns ake, tho perhaps it never happens; or at least the aking of the Corn is not the cause of the Heavens weeping.

*Miner.* We would have had a Regency.

*Counterminer.* A Regency never supposes that the Prince for whom it acts (unless in minority, which is but for a while) is utterly incapable of doing some things well, nor can it make those void, that are not *mala in se*, and agreeable with the Laws. Thus if an Ideot demands entrance into *Dover Castle* or the *Tower*, who dare deny him, he being our right lawful Sovereign Lord and King? Or if an Ideot takes the Great Seal from the Lord Chancellor, and Seals a *Quietus* to an ill Judge, and gives a Writ to another lawfully Capacitated, all this is rightly and well done, because done according to Law. The case of a Regency for a Child, is far different from that of a Regency for an Ideot, or one Incapacitating himself by male-administration; for the Ideot, or *Quondam* Tyrant, being put by, naturally draws a Faction for their being put for by; being against their consent, they naturally take all opportunities to encroach and assume again their power: this was the reason, I believe, made the *Portuguese* endeavour, and it was the earnest and full Vote and Suffrage of the whole *Escortes nemine contradicente*, that *Don Pedro* should have had the Title of King, and not of Regent, as he did take, it being only his own single desire. But that there would have been ere the less Justice or Honesty, in his having the Title of King, than the other, is altogether to be disallowed, since neither *Don Pedro* himself, nor any other Person whatsoever, has shewn or asserted, or can assert the least reason whatsoever, of the Name of Regents being more safe, just, or honest; and no more ought *Don Pedro's* Will to be considered as fit and reasonable, having then but a simple Negative Vote, not that of a Kings, any more than it can be thought, that any one man, or party, in the Nation, desired to embrace Mahometism, because

because King *John* made such a proffer to *Israhimmanuel*, King of *Morocco*.  
*Mat. Paris. fol. 243.*

Though the case is far different from the late *Don Alphonso* of *Portugal*, the Incapacitated King was an Idiot, which being in a manner the same as Infancy, a Regency is somewhat more proper; considering too, that *Alphonso* had never exasperated the people, nor committed such ill as King *James*: Or if they were bad, yet were they the results of Folly, but King *James's* those of a mischievous Politick Design. If then they thought a Regency inconvenient, though over an Infant, much more might we over a Prince designing to get Arbitrary Power.

*Miner.* You make a great noise of the Inconveniencies of a Regency, and yet now bring, for example, a Regency which that Nation lived under very happily, for almost twenty years, without any disturbances from the Deposed.

*Counterminer.* But the power of *Alphonso* to attempt any great design was wholly weak by Idiotism, and this likelihood of attempting was yet more barrier'd by imprisoning him; a thing which is not convenient to be inflicted on King *James*, for reasons innumerable that I could alledge; and do hold it would be a most Impious act, though never so rare to be obtained, and on the highest provocations.

*Swedenland*, not a hundred years since, suffered great Troubles, Wars and Confusions, by setting up a Regent in place of their abdicated King, and were forced, during the Life of the abdicated King, to Crown the said Regent, which was *Charles IX.*

Again, because the Wife of *Henry* the Great of *France*, was made Regent, while her Husband went to the Wars, can it be therefore supposed that the King was Incapacitated, or had thereby divested himself of any Authority? Nay, the very Authority of such Regencies hath been declared, first, by the King, for whom it acted; and can you suppose the King would have conceded to such a Medium? No, sure, but supposing he had, yet by his stay in *England*, for sure he would ne're have Articled to have been Banished or Confined, he would have made such Incroachments, gone from house to house, Pleaded his own Cause, and Insinuated himself into the love of the People, who are generally Credulous, and tender hearted: And not only have heartned, and pushed on the Papists to some attempts, but 'twould have been the very suffering, nay, the being forced to entertain an Implacable Enemy in the Realm, who would have raised great Combuitions, and thereby have re-seated himself in as full Authority as ever, and to be sure, with a Bloody and Revengeful mind; so that, first, you must have sought some other unpresidented thing; and secondly, for a fit person to accept it.

*Miner.* The Prince or Princess of *Orange*.

*Counterminer.*

*Counterminer.* The Interests of *England* and *Holland* are so different, that it would have been impossible to have acted the good Regent and honest Stadholder : These being so, we should have expected his consulting our gain first, which must certainly have so displeased the States, that they would have divested him of all authority there ; or his private obligations to the *Dutch* must have yielded to that Nation all what they bicker and pull at, as the sovereignty of the *Narrow Seas*, *Fishing*, &c. And further, in case *King James* and the Princess of *Orange* should have dy'd before him, he would have found no retreat into *Holland* ; no other entertainment in his own Country, but as is usually given an Enemy, and a divestment and confiscation of all his wealth and dignities. Into these many mischiefs must he have fell, had he accepted such losses, such dangers and hazards must he have run for perhaps a months Regency.

*Miner.* He might have stay'd in *England*.

*Counterminer.* A very pretty Reward ; to be brought down from a Stadholder and Regnant Prince, to a Yeoman or petty Freeholder.

Besides, there was never any Ruler so entirely beloved by the people whom they would not have tiled ignominiously had it been in their power : Even *Queen Elizabeth* herself, who bid the fairest for the universal love of her Subjects, was infested by the *Puritans* ; a people of unquiet tempers ; who pursued her with unjust practices, to the great disquiet and disturbance of her Reign.

Well then, all parties cannot be pleased, notwithstanding all the reasonableness in the World for 'em to be so ; and the party so displeased will seek revenge against him whom they say has injured them ; and the Prince being brought so low as a Subject, by the King and the Princess his Wifes death, should perhaps have been called to account for some things maliciously objected by a faction, and have been thereby brought to the block, as almost all the Protectors or Regents have been. As for the Princess being Regent, besides the many other innumerable inconveniencies, as the coldness of Defence she would have made against her Fathers practices, that she might have been sooner wrought upon to give way, she might have been easier frightened by threats and conspiracies, whereby great advantages might have been taken ; she could not, out of a certain tenderness incident to Women, have used such harsh remedies as are requisite : The Nation is in a troubled condition, and therefore ought to have the more able, skillful and undaunted Pilot at the Helm. And further, it being impossible the Princess should please all parties at home, and the *Dutch* abroad ; the quips they had against her would have been fastned on the Prince her Husband, who after the death of the King and Princess, would have been subject to the same inconveniencies as in the before-recited paragraphs.

*Miner.* All the Inconveniencies that might have happened to him or us, cannot justify, nor dissolve, the Solemn Oath of Allegiance we have entered into.

*Counterminers.* I have first shewed you, and we all find that a King does oftentimes act wrongs, and those of the blackest dye, that redress may be taken; (for sure, neither the Law of God nor Man protects any in Mischief) that the means of redress must be such as may force him yield to terms, though he may be unwilling, and withstand it; and that nothing but a declaring to have abdicated and setting up another, could be a good and firm redress. Now taking it for granted that what the King had already perpetrated, were of the Catalogue of those for which a King may be declared to have abdicated, and those too attended with a denial of redress and resolution to persist, I shall only desire you, besides what was done, to consider what was approaching, and which he would give no promise that he would not pursue; but alas! What reliance, what trust could be reposed in his promise? Was it not his Religion that push'd him to it? And was he, or has he since prayed ere the less Bigot? No, certainly; and we not only lost the fruit of all his Oaths and Promises by their being broke, but drew our selves into innumerable Inconveniencies, by our implicit Credulity and Reliance on what was of no Validity.

Who can ever say the Word of King *James* was ever performed, when the breach of it, at any rate, could bring any gain to his Religion? What then could have hindered him from pursuing, or have kept us from the danger? And he that makes no promises of giving over, nor exerts any repentance for what he has done, gives us but an ill recommendation of himself to our kindnesses; there needs very little restraint on a man that shews any thing of a temper to moderateness, but no Bonds, no Oaths, no Promises can hold that King, who has the Conscience to break them; for the very least power you could have let him have had, would have been sufficient for him to have acted again what he had done before, and perhaps, to attain those ends he was aiming at. For as it is the greatest Impudence and Stupidity, to say mischiefs were not approaching, mischiefs so certainly Impending, as certain as if they had been already acted; so it had been the greatest of Follies not to have prevented them, by such means as might shut the door, not only against them, but for ever against those hands that had prepared them: These hands, whom no Faith, no Oaths, no Promises, nor Gratitude could bind, but as if to do good had been contrary to their nature. Prevention is one of the highest acts of Prudence, nay, the only Prudence; 'tis one of those Attributes that makes up the Glories of the God-head: If then we have done evil, you must prove this to no Paradox, *viz.* That prevention of ill is the greatest ill, for the means in this case were the facts. We, the people of Great Britain, have had frequent examples of transferring Allegiance; for to own



own that our Allegiance is confined to the person of any man, for life, tho never so Tyrannick, would be the most destructive to our Lives, Laws, Prerogatives and Estates imaginable, and a tempting men to be Tyrants whether they will or no.

*Allegiance is subservient to the good of the Nation.* Allegiance is a protecting and serving a King that acts by Law; but was never intended as a forcing a man to act against the Law, when ere the King desires it; a thing not so much as objected by either *Tortus* or *Bellarmino*.

But say they, we have solemnly taken the Oath, now if an Oath or Promise, or the good aimed at, have no other Intrinsic force than what the formal taking obliges, why should any man be obliged by it, who never took it? So that by this Doctrine, the King may use men who never took the Oath; and such may act what ever his Kings, or his own pernicious Conscience can prompt him to. Therefore if the King commands an apparent ill, an evil, though but of a small consequence, but apparently clashing with Law and Reason, here we must deny to act it, and sit still; but when his unlawful commands multiply, and grow so great in number and perniciousness, that they strike at the very root of all our Liberties, here all our Allegiance is cancelled.

Your *jure divino*, Gentlemen, urge that 'tis the Kings Prerogative to choose Officers, *jure divino* and therefore may take whom he pleases; whose ever right it is to choose, we must not have such men as are destructive to the Government, whatever Power the Letter of the Law may seem to give. I am sure it never intended men Enemies to the good of the Common-weal, should be introduced under any quick, quiet, or pretence; if we find them there, the hand that placed them did evil. And will any man say, that Law, Right or Reason, had the ordering it?

*Miner.* The Prince of Orange has taken upon him, or accepted of the Crown, contrary to what he promised by his Declaration; where he says, he only came to redress grievances.

*Counterminer.* His acceptance of being made King, is so far from being a breach of his Declaration, that it is a just performance thereof; and not to have done so, would have been the greatest breach of it imaginable.

Take his Words, the very Words of the Declaration it self: *I have thought fit to go over into England, to declare that this our Expedition, is intended for no other design but to have a Free and Lawful Parliament assembled, that so the two Houses may concur in the preparing of such Laws, as they, upon free and full debate, shall judge necessary and convenient, for the Security and Maintenance of the Protestant Religion, and the whole Nation, under a just and legal Government.*

Here he says he is not come over to Conquer, as some gave out, nor for any other design whatsoever, but that the Protestant Religion, and the Peace,

Peace, Honour and Happiness of the Nation, may be established upon lasting Foundations; the methods of which to be such, as both Houses shall judge necessary and convenient.

Now a Parliament has been fairly and freely chosen, there were all the essentials necessary, full, ample, usual, and sufficient Authority, who were to do what they thought fit for the good of the Nation; for sure you chose them to do somewhat. Now *they have judged it necessary and convenient* to set him on the Throne, *as the only way to establish the Protestant Religion, the Peace, Honour and Happiness of these Nations: He is the lasting Foundation they have thought fit to choose, and to what they should judge convenient.* He has solemnly promised, by his same Declaration, to perform, to answer their desires, to follow their measures and methods, in these Words, *And we, for our part, will concur in every thing, which a Free and Lawful Parliament shall determine.* And certainly, none will object that this was not a lawful Parliament, since they had not only Authentick Choice and Authority from us; but it does not so much as differ in the name, since the very Assembly, with the lawful Crowned Head, has been called a Convention before. And those that will uphold such a pitiful pretence, must urge too, that we must have been without a Head till this time, unless King *James* would have come over, and call'd a Parliament, and signed a Bill declaring himself abdicated.

The very denial of the Prince, to accept the Crown, had not only been the most unkind and unfair thing imaginable, a denying to act for our Safety, but the most dangerous, since the late King seeing the Prince would not take it on any terms, would have yielded to no measures; though, indeed, all measures would have been insignificant, and so he would have came in again on his own terms, knowing if we had not the Prince we must have him, for the stake lay only between them.

*Miner.* Well, what ever you may talk, I fancy there might have been ways to have settled all things quiet, and yet kept the King on the Throne.

*Counterminer.* Why, did not the King, or some for him, make Propositions, which if they had been, such as we ought to have accepted, he would, no question, have done, since had they been rejected, must have gained all good men on his side; a thing not of a small consequence to his Honour, Interest and Happiness? But supposing there might have been such things offered, and that he would have submitted to them, which is a most notorious falsity and contradiction, yet, Is it no trouble to have a King, instead of a Nursing Father, a perfidious Betrayer, watching for all opportunities that should offer themselves, to oppress us? To keep him, an Enemy, in the Parliament, in the Councils? One that held Correspondence with him, against whom we ought to proclaim War? A Correspondence and Obligation, that must have made *England* sit still, and not help

help against that Enemy of all *Christendom*, and which would have endamaged our Allies that were Confederated against him. Or if a War had been Declared, 'twould have been carried on so weakly, that we must have become, though with expence of our Coyn, an Infamy to the whole World, a Scandal to the Protestant Religion; as great a scandal as the most Christian Kings siding with *Mahomet* against Christ, is to the *Roman Catholick Religion*. Consider but the bickerings that must ever have been between him and his people, and the more than usual hate the Papiists would have had; and which, certainly, they would have exerted by Plots, having him, that sat at the Helm, ready to assist the blow. Nay, what resistance could we have made, had the *Turk*, *Pope* or *Spaniard*, made War against us? And further, consider that the Fortune of War may give Victory to the *French*; or he might have made, and may make, an advantageous Peace, and then let me see him that shall dare to say, King *James* could not have broke through all the Shackles put on him. These are things that all the provisions in the World could not have hindered, since nothing can alter his Nature or Religion; and yet, are such as may be greatly destructive to the Nation, in their Wealth, Traffick, Quiet and Religion, to have a King whom we could not trust, nor put any confidence in; that would widen, rather than heal, and have fell a Victim, so he might do any thing could ruine us. The veriest sorry Factioned Cit, though loaded with Fines and Imprisonments, often raises great disturbances in a State, and what can a King do, cloathed with Authority, Friends, Money and Fortresses? Supposing he only uses as the late King did several, who could take the Oaths, and therefore were Capacitated for Offices, and who went, and would have gone as far as the most rigid rank Jesuite, must the Prince, all the while dangers could be expected, so long keep an Army and Fleet ready for *England*? Or continually Cruise in the Channel, to hinder the *French* from Landing? Now suppose his Goodness would, his Purse cannot; and when ever there was occasion, as now, and the King were a little frightened, 'twere but for a small party, and those very Ignorants, to say, Come, all's quiet, now you may begone, and so put the Child to Bed, and lay the Goose to the Fire. But what is most strange of all, without giving one reason, that the King can be tied up from, or will forbear to act the like again; and so the King would have played with the Prince, till he had tired him, and then have began, unless you will suppose, which no body sure can, the King, on all advantages of an easie promoting his Cause, would not have laid hold on't; and so must have reap'd the Mischiefe of our Folly, as the Boy in the Fable, who had so often called for help to the Shepherds, when no danger was near, that when the Wolf came, they denied his Cries, and the Sheep were devoured.

*Minor.* But the Convention have made themselves a Parliament.

*Counterminister.* I conceive 'tis no Crime partaking either of malice or ingratitude, to say a Parliament, *in posse*, may be neither good nor wise; at least, they will not act so kindly, nor be so sensible of rewarding the Prince, as he, undoubtedly, deserves. Our Gratitude grows so cold already, even that some men, who were most forward for his coming, out of a pettish humour, whether private gain, or their laying themselves open to our Jesuitical Adversaries, be the cause, do much undervalue their first Conduct, and the Prince's Action, which was all Glory from its rise, and I hope will never set in Dishonour or Oblivion; and if it is so cold now, how much colder would it have been ere the Convention could have been dismissed, and the Parliament called? Surely, dead and forgotten, if our coldness, in two months more, were proportionable to the two former. But if a reward above the Crown is due, and if it be due, and we neglect, out of a narrow stinginess, to pay it, 'twould not only have been a shame, but a danger to the Nation, because our Ingratitude would have been remember'd, as much as frights are remember'd more than joys, and would have deterred all men from ever more lending us assistance, if any occasion should happen. But do you except against the particular Members?

*Minor.* No.

*Counterminister.* Then I perceive, that the Act, and not the Actors, is bad. But in whom lies it? If you say in the Parliament, it is strange, since they could be no wiser nor honest, by being a Parliament more than a Convention, or being chosen by a Prince's Letter, or a King's Writ. Well, if they were chosen as Authentickly, our Representatives as ever any were. I hope, first, 'tis the Kings Prerogative to Judge of the conveniency of continuing or dissolving, and if the King pleases, as he was pleas'd to consult them about it, and take their directions. Sure, they are Judges of the necessity of their being made a Parliament, and their Judgment must be as good, wise, and honest, as if a nominal Parliament had gave it; which therefore you would have lik'd; but once more I tell you, yellow Wax neither gives more Wit nor Honesty. And they may, if they please, make it, for the future, that a Letter shall be sufficient to call them; nay, and those having the like form as Parliaments ever had, shall be called Conventions. So little is there in a Name.

Now, not to divide the Kings Interest from his Subjects, First, it was his Interest, an Interest honestly due to him, to continue this Convention by making it a Parliament; and, if 'twas his due, 'twas our Honour, and we are oblig'd to see it well paid. Secondly, Ireland, our own Native Country-men, and of our own Faith, our own Religion, lye under miserable Calamities; 'tis certainly a great unhappiness that success has been so long detained, but how much worse would it have been to retard it



it two months longer? We are scarce yet in a settledness to oppose King *James*, and how might he have prevailed where there was no Money, no Men, no Strength, no Quietness, no Authority fully set up or settled.

The Nation had continued two months longer in a wavering condition, not knowing where to fix; our old troubles, fears and jealousies, by not knowing how this King and Parliament would agree, must have increased, though they do already make up too long a Catalogue. Add to this the many Bills that wanted dispatching, the much business to be settled, after an overture so great as this, which ere it was settled as it is, had caused Phrenzy; but had it staid longer, down right madness. The Men, Money, and Shipping too, that the *Hollander* stood in need of, or perhaps, must have been forced to a base Peace or Havock of their Country; either of which would have redounded to our loss. The Prince, States, and Citizens of *London*, had Monys due to them; the whole was owing from us to him, and certainly, he might accept of those to be still his Pay-Masters we first offered, and none except against the men.

I must confess, I have heard people cry the Convention is made a Parliament, which they object as a Crime, and the reason is, because the Nation is displeased with it. But where is the Nations reason for being so? Why, with that I never met, but as soon as the Witty Male-contents are pleased to stamp one, they shall find a Touchstone; for sure, it will be an easie matter to defend men, against whom, as to Honesty, Sense and Religion, there is no objection: And that they should (endued with such Capacities) act as Fools and Mad-men, is altogether monstrous; for then they were not honest, as is conceded, but Knaves. And then let them shew me in what they have been oppressive, or when did they any thing but what has been like true Patriots, and Lovers of their Country, except the sufferance of the prosecution of that Worthy Gentleman Sir *John Moor*, and the raking into old matters; and which is purely done, to gratifie the unjust Clamours of a Faction, whose very selves have been forgiven ten times worse, tho this were so bad, which I altogether deny, as they would make it.

Lastly, this making them a Parliament, is a thing so far from being pre-judicial to the Nation, that it has proved the most advantageous: This, I say, was first desired of the King by the Convention, and how could he deny the first and only request of his greatest Friends, who asked no unreasonable matter, there was nothing in it of Self-interest, nothing of heat nor faction, but a consideration that the Common-weal wanted speedy applications: And had they taken such measures as a Dissolution of that Convention, all that had been till then done, in order to our redress, would have been as nothing, and we must have perished Inevitably.